

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ADISCOV, L.L.C.

Plaintiff

V.

KROLL ONTRACK, INC., ENGENIUM CORPORATION, & INTERLEGIS, INC.

Defendants

§§ 87(2)(b), 87(4-b), 87(2)(g) of the Education Law and § 87(2)(b) of the Education Law and § 87(2)(g) of the Education Law

Case No: 2:07-cv-280-DF

JURY TRIAL DEMANDED

PLAINTIFF’S REPLY TO DEFENDANT
ENGENIUM CORPORATION’S COUNTERCLAIMS

Plaintiff, Adiscov, LLC (“Adiscov”) hereby replies to Defendant Engenium Corporation’s (“Engenium”) Counterclaims (“Engenium’s Counterclaims”).

Plaintiff denies each and every allegation contained in Engenium's Counterclaims that is not expressly admitted below. Any factual allegation admitted below is admitted only as to the specific admitted facts, not as to any purported conclusions, characterizations, implications or speculations that arguably follow from the admitted facts. Plaintiff denies that Defendant Engenium is entitled to the relief requested or any other. Plaintiff responds to the specific allegations in Comcast's Counterclaims in accordance with the numbered paragraphs thereof as follows:

INTRODUCTION

1. Plaintiff admits that in paragraph 1 of Engenium's Counterclaims, Defendant Engenium requests a declaration from the Court for noninfringement and invalidity of United States Patent No. 6,738,760 ("the '760 patent") but denies entitlement to such relief.

PARTIES

2. Plaintiff lacks sufficient knowledge to admit or deny the allegations of paragraph 2 and therefore deny those allegations.
3. Plaintiff admits the allegations of paragraph 3 of Engenium's Counterclaims.

JURISDICTION AND VENUE

4. Plaintiff admits that in paragraph 4 of Engenium's Counterclaims, Defendant requests a declaration from the Court that the '760 patent is not infringed and invalid but denies entitlement to such relief. Plaintiff admits this Court has original and exclusive subject matter jurisdiction over these declaratory judgment claims under 28 U.S.C. §§ 1331 and 1338(a).
5. Plaintiff admits the allegations of paragraph 5 of Engenium's Counterclaims.
6. Plaintiff admits the allegations of paragraph 6 of Engenium's Counterclaims.

COUNTERCLAIM COUNT I

7. Plaintiff admits the allegations of paragraph 7 of Engenium's Counterclaims.
8. Plaintiff admits the allegations of paragraph 8 of Engenium's Counterclaims.
9. Plaintiff denies the allegations of paragraph 9 of Engenium's Counterclaims.
10. Plaintiff denies the allegations of paragraph 10 of Engenium's Counterclaims.
11. Plaintiff denies the allegations of paragraph 11 of Engenium's Counterclaims.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment against Engenium as set forth and requested in its Original Complaint; and in addition:

- A. that judgment be rendered herein against Engenium;
- B. that Engenium's request for a declaratory judgment of non-infringement and invalidity of the '760 patent and for each of its other claims or defenses be denied;
- C. for recovery of Plaintiff's attorneys' fees and costs of this action; and
- D. for such other and further relief as this Court may deem just and proper.

Respectfully submitted,

Date: November 2, 2007

/s/ Edward W. Goldstein
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on November 6, 2007. Any other counsel of record will be served by first class U.S. mail.

/s/ Edward W. Goldstein
Edward W. Goldstein